

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OKLAHOMA**

(1) DONALD W. SHARP,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-CV-430-RAW
)	
(2) STATE FARM MUTUAL)	
AUTOMOBILE INSURANCE)	
COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

State Farm Mutual Automobile Insurance Company (“State Farm”) hereby notifies the Court of the removal of the captioned action, and, in support of its removal in this case, states as follows:

General Allegations

1. This lawsuit arises from an auto accident involving the Plaintiff that happened on August 13, 2014.

2. The Plaintiff filed this lawsuit in the District Court of McCurtain County, State of Oklahoma, on August 8, 2016, and this case is pending in that Court. (Petition, Ex. “1”).

3. The Plaintiff originally named Esther Guerrero de Garcia, the alleged tortfeasor, as a Defendant in the case. (Id.). On September 8, 2016, the Plaintiff dismissed his lawsuit against Ms. Guerrero de Garcia with prejudice to its refiling. (Dismissal with Prejudice, Ex. “2”).

4. In his Petition, the Plaintiff alleges that, on the date of the auto accident, State Farm provided him with underinsured motorist insurance coverage with per person limits of \$250,000.00. (Petition, Ex. “1”).

5. State Farm was served with the Plaintiff’s Petition, Summons, Plaintiff’s First Set of

Interrogatories to Defendant State Farm Mutual Automobile Insurance Company and Plaintiff's First Set of Requests for Production of Documents to State Farm Mutual Automobile Insurance Company on or about September 15, 2016. (Petition, Ex. "1"; Summons, Ex. "3"; Plaintiff's Discovery Requests, Ex. "4").

6. In his Petition, the Plaintiff seeks judgment against State Farm in an amount in excess of \$75,000.00. (Petition, Ex. "1").

7. On October 4, 2016, State Farm filed an Entry of Appearance (Entry of Appearance, Ex. "5").

Diversity Jurisdiction

8. This Court has original jurisdiction over this action by reason of the diversity of citizenship of the parties, pursuant to 23 U.S.C.A. § 1332.

9. Complete diversity of citizenship exists in this case. The Plaintiff is a resident of McCurtain County, Oklahoma. State Farm Mutual Automobile Insurance Company is a foreign insurance company incorporated in Delaware with its principal place of business in Illinois.

10. The amount in controversy in this case, exclusive of interest and costs, exceeds Seventy Five Thousand Dollars and 00/100 (\$75,000.00). In his Petition, the Plaintiff seeks damages against State Farm in excess of \$75,000.00. (Id.).

Removal Jurisdiction

11. This Court has removal jurisdiction over this case pursuant to 28 U.S.C. § 1441, et. seq., and all procedural requirements for removal are satisfied.

12. State Farm is removing this case to this Court within one year of its filing and within 30 days after it was served with the Plaintiff's Petition seeking damages in excess of \$75,000.00.

13. The pleadings served on State Farm in this case include the Petition, Summons and

Plaintiff's Discovery Requests, attached as Exhibits "1", "3", and "4").

14. A copy of the docket in the underlying state court action is attached as Exhibit "6".

WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company gives notice that the above-entitled action is hereby removed from the District Court of Tulsa, County, State of Oklahoma to the United States District Court for the Eastern District of Oklahoma.

Respectfully submitted,

TAYLOR, RYAN, MINTON & VAN DALSEM,
P.C.

s/Ashley M. Bibb

ASHLEY M. BIBB - OBA # 17465

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CERTIFICATE OF SERVICE

I, ASHLEY M. BIBB, hereby certify that on the () day of October, 2016, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

I further certify that on the 10th day of October, 2016, a true and correct copy of the above and foregoing instrument was mailed, by First Class Mail, with proper postage thereon fully prepaid to:

Kevin T. Sain
Sain LawFirm, P.C.
P. O. Box 29
Idabel, OK 74745
Attorney for Plaintiff

s/Ashley M. Bibb